

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case  
05-CA-111402Date Filed  
08/16/2013**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer MillerCoors, LLC		b. Tel. No. 312-496-5852 540-289-8500
		c. Cell No.
		f. Fax No. 540-289-8405
		g. e-Mail: tom.long@millercoors.com amy.michtich@millercoors.co
d. Address (Street, city, state, and ZIP code) 250 S. Wacker Dr., S. 800, Chicago, IL 60606  5135 South Eastside Highway Elkton, VA 22827	e. Employer Representative Tom Long Amy J. Michtich	h. Number of workers employed approx. 375
i. Type of Establishment (factory, mine, wholesaler, etc.) Brewery	j. Identify principal product or service Production of beer	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Since on or about July 1, 2013, (b) (6), (b) (7)(C) has systematically engaged in interrogating and threatening employees one-on-one at their workstations concerning their support for the Union. On August 9, 2013, (b) (6), (b) (7)(C) interrogated and threatened (b) (6), (b) (7)(C) concerning (b) (6), (b) (7)(C) contacts with fellow union supporters and Teamster representatives over their concerted, protected activities since May 1. The employer is penalizing and discriminating against (b) (6), (b) (7)(C) for their open support of the Union by changing their shift effective (b) (6), (b) (7)(C) 2013. Since the last election, (b) (6), (b) (7)(C) changed the employee access to non-work areas of the Waste Water Facility and the main gate area to preclude concerted, protected activities.

**3. Full name of party filing charge (If labor organization, give full name, including local name and number)**

Teamsters Brewery &amp; Soft Drink Workers Conference

4a. Address (Street and number, city, state, and ZIP code) 25 Louisiana Avenue, N.W., Washington, D.C. 20001	4b. Tel. No. 202-624-6921
	4c. Cell No.
	4d. Fax No. 202-624-8137
	4e. e-Mail laughton@teamsters633.com

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

International Brotherhood of Teamsters

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By   
(signature of representative or person making charge)Robert M. Baptiste, Counsel  
(Print type name and title or office, if any)

Address 1150 Conn. Ave., NW, Ste. 315, Washington, DC 20036

8/15/13  
(date)

Tel. No. 202-223-0723

Office, if any, Cell No.  
202-258-3513

Fax No. 202-223-9677

e-Mail  
Rbaptiste@bapwild.com**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, SUITE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410) 962-2822  
Fax: (410) 962-2198

August 19, 2013

John F. Wymer III, Esq.  
Paul, Hastings, Janofsky & Walker, LLP  
600 Peachtree Street, Suite 2400  
Atlanta, GA 30308

Re: MillerCoors, LLC  
Case 05-CA-111402

Dear Ms. Michtich:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Rachel R. Babale whose telephone number is (410) 962-2236. If Rachel R. Babale is not available, you may contact Supervisory Field Examiner Emily N. Hunt whose telephone number is (410) 962-2864.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

August 19, 2013

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

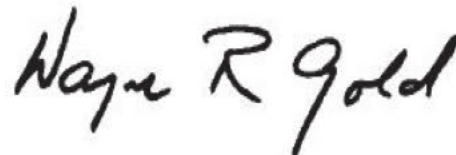
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Wayne R Gold". The signature is written in a cursive, slightly slanted style.

Wayne R. Gold  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: See Page Three

cc: Ms. Amy J. Michtich  
Mr. Tom Long  
MillerCoors, LLC  
250 South Wacker Drive, Suite 800  
Chicago, IL 60606

Ms. Amy J. Michtich  
Mr. Tom Long  
MillerCoors, LLC  
5135 South East Side Highway  
Elkton, VA 22827-3469



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August 19, 2013

Robert M. Baptiste, Esq.  
Baptiste and Wilder, P.C.  
1150 Connecticut Avenue, N.W.  
Suite 315  
Washington, DC 20036-4104

Re: MillerCoors, LLC  
Case 05-CA-111402

Dear Mr. Baptiste:

The charge that you filed in this case on August 16, 2013 has been docketed as case number 05-CA-111402. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Rachel R. Babale whose telephone number is (410) 962-2236. If Rachel R. Babale is not available, you may contact Supervisory Field Examiner Emily N. Hunt whose telephone number is (410) 962-2864.

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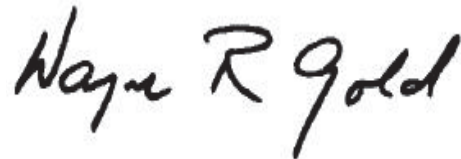
**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Wayne R Gold". The signature is written in a cursive, slightly slanted style.

Wayne R. Gold  
Regional Director

Enclosure: Copy of Charge

cc: Teamsters Brewery & Soft Drink  
Workers Conference  
25 Louisiana Avenue, N.W.  
Washington, DC 20001-2130



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September 3, 2013

John F. Wymer, III, Esq.  
Paul, Hastings, Janofsky & Walker, LLP  
1555 Peachtree Street, N.E., Suite 850  
Atlanta, GA 30309

Re: MillerCoors, LLC  
Case 05-CA-111402

Dear Mr. Wymer:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

*/s/ Wayne R. Gold*

Wayne R. Gold  
Regional Director

cc: Ms. Amy J. Michtich  
MillerCoors, LLC  
5135 South East Side Highway  
Elkton, VA 22827-3469

Mr. Tom Long  
MillerCoors, LLC  
250 South Wacker Drive, Suite 800  
Chicago, IL 60606

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